



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:

Amy R. Vlahovic,

Applicant.

Case No. 101019645C

REFUSAL TO ISSUE A BAIL BOND AGENT LICENSE

On November 30, 2010, Ross A. Kaplan, Enforcement Counsel and Counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue a bail bond agent license to Amy Rachelle Vlahovic. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and summary order:

FINDINGS OF FACT

1. Amy Rachelle Vlahovic ("Vlahovic") is a Missouri resident with an address of 8007 NW 79th Terrace, Kansas City, Missouri 64152.
2. On or about August 23, 2010, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Vlahovic's Missouri Uniform Application for Bail Bond or Surety Recovery License ("Application").
3. On the Application, in Part III - "Background Information," Question B asks:

Have you ever been adjudicated, convicted, pled or found guilty of any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you? Applicants are required to report all criminal cases whether or not a sentence has been imposed, a suspended imposition of sentence has been entered or the applicant has pled nolo contendere (no contest).
4. Vlahovic answered "No" to Background Question B.
5. On the Application, Part V - "Applicant Signature," states:

I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material

information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

6. Vlahovic signed and dated the application.

7. Vlahovic did not disclose that she pleaded guilty and received a suspended imposition of sentence in Case No. CR393-643FX – *State of Missouri v. Amy R. Butler*. On or about November 22, 1993, Vlahovic pleaded guilty to the class C felony of stealing in violation of § 570.030, RSMo (1986).

8. Investigator Les Hogue sent a letter to Vlahovic, dated September 08, 2010, requesting information about the criminal record.

9. While this guilty plea was not disclosed on the Application under Part III – “Background Information,” Question B, Vlahovic explained in a response letter to Hogue, received on September 16, 2010, that she did in fact plead guilty to the charge but had received advice from her attorney that she should mark “NO” because the record was sealed.

CONCLUSIONS OF LAW

10. Section 374.715.1, RSMo (Supp. 2009), states:

Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, has a high school diploma or general education development certificate (GED), is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. Individuals currently employed as bail bond agents and general bail bond agents shall not be required to meet the education requirements needed for licensure pursuant to this section.

11. Section 374.750, RSMo (2009), states:

The department may refuse to issue or renew any license required pursuant to sections 374.700 to 374.775 for any one or any combination of causes stated in section 374.755. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.

12. Section 374.755.1, RSMo (Supp. 2009), provides, in part:

1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.695 to 374.775 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

* * *

(3) Use of fraud, deception, misrepresentation or bribery in securing any license or in obtaining permission to take any examination required pursuant to sections 374.695 to 374.775;

* * *

(6) Violation of any provision of or any obligation imposed by the laws of this state, department of insurance, financial institutions and professional registration rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations, or subpoenas[.]

13. Vlahovic misrepresented her criminal history in an effort to unlawfully obtain a bail bond agent license when she answered "No" to Background Question B because she had pled guilty to a felony. Attempting to hide a criminal past to obtain a license does not display good moral character.

14. The Director may refuse to issue a bail bond agent license to Vlahovic because Vlahovic has not satisfactorily proven herself to be of good moral character, as is required by §374.715.1 RSMo (Supp. 2009).

15. The Director may refuse to issue a bail bond agent license to Vlahovic pursuant to §374.755.1(3), RSMo (Supp. 2009), because Vlahovic used fraud, deception, or misrepresentation in attempting to secure a bail bond agent license by failing to disclose her criminal guilty plea on the Application.

16. The Director may refuse to issue a bail bond agent license to Vlahovic pursuant to §374.755.1(6), RSMo (Supp. 2009), because Vlahovic violated a provision of the laws of this state by stealing in violation of §570.030, RSMo (1986).

17. The Director has considered Vlahovic's history and all of the circumstances surrounding Vlahovic's application. Vlahovic has pleaded guilty stealing, a class C felony. Vlahovic then failed to disclose that guilty plea which suggests Vlahovic was trying to conceal her criminal history from the Director because the Director may use that information to refuse her license. Vlahovic then attested to the veracity of the application, which, due to the concealed conviction, additionally demonstrates that McCoy does not have the good moral character required by this position. Granting Vlahovic a Missouri bail bond agent license would not be in the interest of the public.

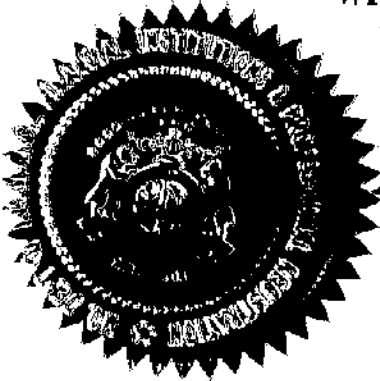
18. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the bail bond agent license of Amy Rachelle Vlahovic is hereby summarily **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 20TH DAY OF DECEMBER, 2010.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to §621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2010, a copy of the foregoing Notice and Order was served upon the Applicant Amy Rachelle Vlahovic in this matter by certified mail No. 7004 1350 0003 1413.5355 at

Amy Rachelle Vlahovic
8007 NW 79th Terrace
Kansas City, Missouri 64152

Kathryn Randolph